

## **REMARKS**

This is a response to the outstanding nonfinal Office Action mailed January 15, 2009. Reconsideration and allowance of the application and presently pending claims 1-9 as submitted herein are respectfully requested.

### **Present Status of Patent Application**

Upon entry of the amendments in this response, claims 1-9 remain pending in the present application. More specifically, claims 1, 3 and 6-9 are directly amended. These amendments and additions are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

### **Response To Claim Rejections Under 35 U.S.C. Section 103**

Claims 1-9 have been rejected under 35 U.S.C. Section 103(a) as purportedly being obvious over Brown in view of Ueda and Kram.

The claimed invention relates to a wireless network simulation system and method for mapping wireless network performance on a predetermined layout. The System comprises a template database having templates of wireless performances data; a template identifier that operable to access the template database in order to search for matching templates based on the search terms that include design factors for the wireless network and the predetermined layout; a network performance contour overlay generator that operable to process the matching template based on the design factors of the wireless network and create network performance contour overlays from the performance parameter from the matching templates, and a network performance contour overlay superimposer that operable to generate a superimposed layout of the predetermined layout and the performance contour overlays.

Brown discloses a method of creating a network architecture planning tool. The architecture planning tool creates a list of configurations for network planning. The

Examiner is of the view that the method of creating a network architecture planning tool, planning system, the object templates to aid in the creation or new objects, the steps of receiving at a user computer a list of object template from a list of object templates from a host computer system and selecting an object template from a list of object templates that disclosed in Brown has rendered the the claimed invention obvious in light of Ueda and Kram. We respectfully traverse the Examiner rejection for the following reasons.

In determining the differences between the prior art and the claims, the question under S103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. S103 states “subject matter as a whole” i.e. invention or prior art as a whole.

We respectfully submit that the claimed subject matter as a whole includes, *inter alia*, the template database storing the wireless performance data templates, the template identifier that identifies matching templates based on the design factors of the predetermined layout and the wireless network and the network performance contour overlay generator processes the matching templates and the design factors to generate a wireless network performance contour overlay to form the wireless network simulation system. The claimed invention is adapted to provide a wireless performance simulation for an intended wireless network. The simulation provides a wireless performance contour overlay, which shows the wireless performances and distributions before actual implementation. To achieve that, a collection of wireless performance data templates is provided, of which, one or more matching templates are identified based on the design factors of the predetermined layout and the wireless network. The wireless network performance contour overlay is generated. Said contour overlay is then superimposed onto the predetermined layout for user reference.

PSTN is the only example that provided in Brown and throughout Brown, it is apparent that the system and method provided therein are adapted for wired communication system, which has very distinct characteristics from wireless communication system. Although Brown may not be limited to only PSTN, but there is no teaching and any motivation in Brown that the system and method described

thereto is applicable for a wireless system as claimed. Based on that, we submit that Brown does not disclose and teach the templates of the wireless performances data as claimed. It follows that Brown does not disclose all the features of the presently amended claim 1 highlighted above.

Ueda relates to an image processing system for printer. We respectfully submit that the mere fact that Ueda discloses an overlay generator that creates overlays of pre-selected layers for presentation and a report generator provides a final graphical out set to the format pre-determined by the user does not resultant Ueda render the claimed invention obvious. Ueda relates to a different subject matter that is no relevance to the claimed subject matter.

Kram relates to a monitoring and reporting system employing field sensor packages with telemetry to a processing system (see Abstract). We respectfully submit that the mere fact that Kram discloses an output controller executes a superimpose process does not resultant Kram render the claimed invention obvious. Kram relates to a different subject matter that is no relevance to the claimed subject matter.

Even if Ueda and Kram would have been considered relevant, we respectfully submit that the claimed invention is still patentable over Brown in light of Ueda and Kram because there is clearly no motivation, teaching or any suggestions in either of the references alone or in any combinations that provide a wireless simulation system and method in view of the arguments relating to Brown.

Independent claim 1 is therefore allowable for at least the reason that the combination of Brown, Ueda and Kram does not disclose, teach, or suggest the features that are highlighted in claim 1 above.

Because independent claim 1 is allowable over the above cited references, its dependent claims 2-5 are allowable as a matter of law, for at least the reason that these dependent claims contain all features/elements/steps of their respective independent claim 1. Similarly, the presently amended claim 6 is a method that corresponds to the

system as claimed in claim 1, therefore, claim 6 and its dependent claims shall also be allowable in view of the foregoing.

### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated., and that the now pending claims 1-9 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney.

Respectfully submitted.

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